

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 15, 1959

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Assistant Chief of Police.

Invocation was delivered by REV. FRANK BUECHLEY, Assistant Pastor Central Christian Church, 12th and Guadalupe.

Councilman White moved that the Minutes of January 8, 1959, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

MR. JOE CROW appeared before the Council regarding some property he and MR. J. E. ROBERTS owned at 17th and Brazos Streets on which a zoning application was pending. He stated they had owned the property since 1956, some few months before the State had announced its expansion program. He said he had been before the State Officials to get an answer as to whether or not this property would be included in this expansion program, and had not been able to get a definite answer. The Mayor reviewed a former plan in 1948 for Capitol expansion. On this particular property, the Mayor stated he had discussed the matter a number of times with the officials, and that he would again make inquiry of them and ask for a decision. Councilman Long moved that the Mayor be empowered to officially represent the City Council before these officials and get an answer within the next 30 days pro or con on this particular piece of property and others. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has established zoning regulations and districts in accordance with a comprehensive plan for the purposes, among others, of promoting the health, safety, morals and general welfare of the community in the City of Austin; of preventing the overcrowding of land and the undue concentration of population, with reasonable consideration being given to the character of the districts, their peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community; and,

WHEREAS, based upon said principles consideration has always been given to the public uses of land in the area between the State Capitol and the University of Texas as the same may affect or concern peculiar suitability of property for particular uses and the character of the neighborhood itself; and,

WHEREAS, the owners of property located at the northeast corner of the intersection of Congress Avenue and East 17th Street for approximately 18 months have had pending before the City Council an application for a change in zoning on the property at 200 East 17th Street to "O" Office District and at 204 East 17th Street to "GR" General Retail District; and,

WHEREAS, said property owners and said City Council have believed it in the public interest to postpone action upon said application until such time as the State Building Commission could formulate its plans with reference to the Capitol area expansion; and,

WHEREAS, said property owners have now petitioned the City Council for final action upon their said application, whether favorable or unfavorable, not later than February 19, 1959; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Texas State Building Commission be respectfully requested to assist the City Council in the performance of its obligation to resolve questions arising under its Zoning Ordinance, to advise said Council if possible before February 19, 1959, whether and when its plans, for the Capitol area expansion program will require the use and occupancy by the State of Texas of the land above described.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long asked that this resolution be sent to the State after the Mayor talks with them, so that it would be on file when the group holds its next meeting.

MRS. W. FRIEDRICH, Euclid Avenue, appeared before the Council stating she had property near the "city dump" south of St. Elmo Road, and that she was unable to sell it because of the smoke from the burning. It was stated the contract for this fill was yet to run two or three years, and it had been in effect for about five years. After discussing the property and the city's responsibility and the contract, the Mayor stated that the matter would be looked into and an effort made to get the burning done quickly rather than slowly, and possibly eliminate the smoke.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING:

- (1) LOTS 5 AND 6, BLOCK 2, LEE'S HILL ADDITION FROM "LR" LOCAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT;
- (2) LOT 6, JOHN ORR SUBDIVISION FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT;
- (3) A TRACT OF LAND FRONTING APPROXIMATELY 110 FEET ON THE WEST RIGHT OF WAY LINE OF SOUTH LAMAR BOULEVARD AT A POINT APPROXIMATELY 490 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF BARTON SKYWAY, LOCALLY KNOWN AS 2708-2710 SOUTH LAMAR BOULEVARD, FROM "GR" GENERAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT;
- (4) LOTS 3 AND 4, BLOCK 89, OF THE ORIGINAL CITY OF AUSTIN, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT;
- (5) A TRACT OF LAND FRONTING APPROXIMATELY 48 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF WEST 35TH STREET, LOCALLY KNOWN AS 1801 WEST 35TH STREET, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT;
- (6) A TRACT OF LAND FRONTING 91.5 FEET ON THE EAST RIGHT OF WAY LINE OF GUNTER STREET AT A POINT 295 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF MUNSON STREET, LOCALLY KNOWN AS 1143 $\frac{1}{2}$ GUNTER STREET, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
- (7) PART OF THREE LOTS, SAME BEING THE WEST 61 FEET OF LOTS 15 AND 16, AND THE NORTH 16 FEET OF THE WEST 61 FEET OF LOT 14, BLOCK 43, THE HIGHLANDS, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; AND
- (8) A TRACT OF LAND FRONTING APPROXIMATELY 125 FEET ON THE WEST RIGHT OF WAY LINE OF THE INTERREGIONAL HIGHWAY AT A POINT APPROXIMATELY 123 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST 38TH STREET, LOCALLY KNOWN AS 3522-3704 (3510) INTERREGIONAL HIGHWAY; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON

THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 1 OF THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE ELECTRIC LIGHT AND POWER WORKS AND SYSTEM OF THE CITY OF AUSTIN FOR DOMESTIC, COMMERCIAL, AND OTHER USES OF ELECTRIC LIGHT AND POWER SOLD AND SERVICED BY THE CITY OF AUSTIN; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS, OR PARTS OF THE SAME, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL SEPTEMBER 1, 1949, AND IS RECORDED IN BOOK "O", PAGES 296-300, INCLUSIVE OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AS AMENDED, BY AMENDING SECTION 1 THEREOF PERTAINING TO MINIMUM MONTHLY CHARGE FOR RESIDENTIAL LIGHTING AND POWER UNDER RATE "A" AND FOR COMMERCIAL LIGHTING AND POWER UNDER RATE "B"; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller

Noes: Councilman Long

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATERWORKS AND SYSTEM AND THE SANITARY SEWER SYSTEM OF THE CITY OF AUSTIN FOR ALL USES OF SUCH WATER AND SEWER CONNECTIONS AND FACILITIES; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS, OR PARTS OF THE SAME, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL SEPTEMBER 1, 1949, AND IS RECORDED AT LENGTH IN ORDINANCE BOOK "O", AT PAGES 301-302 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AS AMENDED, BY AMENDING SECTION 1 SO AS TO PROVIDE A NEW SCHEDULE FOR MINIMUM MONTHLY RATES AND CHARGES MADE FOR SERVICES RENDERED BY THE WATERWORKS AND SYSTEM AND THE SANITARY SEWER SYSTEM; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Councilman Pearson offered the following resolution and moved its adoption

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southwest corner of the intersection of E. 7th St. and Canadian St., which property fronts 154 feet on E. 7th St. and 156 feet on Canadian St., being known as a portion of Lot 1 Block 8 of the H. & T. C. Railroad Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Alex Dochen to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Alex Dochen has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"January 15, 1959

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Alex Dochen for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southwest corner of the intersection of E. 7th St. and Canadian St., which property fronts 154 feet on E. 7th St. and 156 feet on Canadian St. and being known as a portion of Lot 1 Block 8 of the H. & T.C. Railroad Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Alex Dochen. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C-2" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage

shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Alex Dochen be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used, in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc., and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no wastewater or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - H - 1615.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1615 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
(Sgd) S. Reuben Rountree, Jr.
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the west side of South Lamar Boulevard as a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, which property is owned by C. L. Reeves, and is Lot 6, Block A, Bluffview Addition, of the City of Austin, Travis County, Texas, and hereby authorizes the said C. L. Reeves to operate a private gasoline plant consisting of a 1,000 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said C. L. Reeves has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinance.

(Recommendations attached)

"Austin, Texas
January 15, 1959

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of C. L. Reeves Construction Company, by C. L. Reeves, for permission to operate a private gasoline plant consisting of a 1,000 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of South Lamar Boulevard, which property is designated as Lot 6, Block A, in the City of Austin, Travis County, Texas, and locally known as 708 South Lamar Boulevard.

"This property is located in a C Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and

pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

"(3) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Chief Bldg. Insp."

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by C. A. Allred as described in the Travis County Deed Records and known as Lots 20A and 21A in Lakeland Park subdivision near Quinlan Park on the shore of Lake Austin, and hereby authorizes the said C. A. Allred to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said C. A. Allred has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 12, 1959

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of C. A. Allred, owner of a piece of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being Lots 20A and 21A, Lakeland Park subdivision near Quinlan Park, as listed in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately 24 feet beyond the normal high water level. The construction details meeting all requirements, and the Lake Austin Navigation Board having considered and approved this project, I, therefore, recommend that if C. A. Allred is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonable clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Chief Bldg. Insp."

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by William A. Cunningham as described in the Travis County Deed Records and known as 2.8 acres of the John Jackson Survey above Quinlan Park of the shore of Lake Austin, and hereby authorizes the said William A. Cunningham to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinance relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this reso-

lution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said William A. Cunningham has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendation attached)

"Austin, Texas
January 12, 1959

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of William A. Cunningham, owner of a piece of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being 2.8 acres of the John Jackson Survey above Quinlan Park, as listed in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately 20 feet beyond the normal high water level. The construction details meeting all requirements, and the Lake Austin Navigation Board having considered and approved this project, I, therefore, recommend that if William A. Cunningham is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and belted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonable clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Chief Bldg. Insp."

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a combination boat house and pier on the property owned by Jackson B. Reid as described in the Travis County Deed Records and known as Lot 94 in Lakeshore Addition opposite Mount Barker on the shore of Lake Austin, and hereby authorizes the said Jackson B. Reid to construct, maintain and operate this combination boat house and pier subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this combination boat house and pier after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Jackson B. Reid has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
January 13, 1959

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Jackson B. Reid, owner of a piece of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being Lot 94 in Lakeshore Addition opposite Mount Barker, as listed in the Travis County Deed Records, for permission to construct and maintain a combination boat house and pier projecting out into the lake approximately 30 feet beyond the normal high water level. The construction details meeting all requirements, and the Lake Austin Navigation Board having considered and approved this project, I, therefore, recommend that if Jackson B. Reid is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonable clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council delayed action on the following:

ANACONDA WIRE & CABLE COMPANY for 10,000' of 3 conductor 15 KV 350 MCM cable (\$42,240.00). (To see if a local distributor could handle this)

CHARLIE PARTLOW and P. K. WILLIAMS for various automobiles.

SMITH BROTHERS, CAPITOL CHEVROLET CO., and ARMSTRONG-JOHNSON for various automobiles, trucks and station wagons.

More information was desired, and the Mayor suggested that along with the bids that quotations of prices as fixed by the Federal statute be asked for.

The City Manager submitted the following:

"January 13, 1959

"Following is a tabulation of bids received at 10:00 A.M., Tuesday, January 13, 1959 for the construction of a storm sewer in the following areas: South 1st Street from East Bouldin Creek to Cumberland Road and Cumberland Road from South 1st Street to Oak Crest Avenue - Contract No. 59-D-1.

"Austin Engineering Company	\$19,751.70
Ed H. Page	19,941.00
Elland Construction Co.	21,307.90
Walter Schmidt	23,094.50
Wagner-Wehmeyer, Inc.	23,409.20
Capital Construction Co., Inc.	25,995.11
Dexter L. Simmons	26,743.10
City's Estimate	\$21,850.00

"I recommend that Austin Engineering Company with their low bid of \$19,751.70 be awarded the contract for this project.

"S. Reuben Rountree, Jr.
Director of Public Works"

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on January 13, 1959, for the construction of a storm sewer in the following areas: South 1st Street from East Bouldin Creek to Cumberland Road and Cumberland Road from South 1st Street to Oak Crest Avenue - Contract No. 59-D-1; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$19,751.70 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Company in the sum of \$19,751.70 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Austin Engineering Company.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The City Manager went over a contract to provide for a lease with the BROWNING AERIAL SERVICE in detail; and also a recommendation he made for future leases. The City Attorney read the proposed contract. The Council went over the contract and discussed it thoroughly. Later on in the meeting the City Manager stated that besides the 4¢ per square foot, the contract would include a provision that at the end of 15 years the Brownings would have the option to renew the lease for five years at a renegotiated rental. If an agreement were not reached, then the City would have the option to purchase the building at 40% of the cost (60% depreciation of cost of construction--straight line depreciation) or the Brownings could remove the building. If an agreement were reached on the price of one option, and not agree on the second, the City would take the buildings at 20% or say it did not want them. After more discussion, Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into three contract and lease agreements on behalf of the City of Austin with Robert M. Browning, dba Browning Aerial Service in accordance with the terms and provisions of said contract and lease agreements exhibited to the City Council, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk copies of said contract and lease agreements.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The City Manager stated he had met with Mr. Holt, contractor for hangars at the Airport, but the matter was not ready for a complete report at this time.

Councilman Long inquired about the time that work on KLEBERG LANE would begin. The Director of Public Works gave a report that it had been staked off, and they were ready to start to work when the weather permitted and when funds were received from the Government.

The City Attorney displayed a map showing property which would be owned by MRS. PEARL ESCHBERGER if the street (Duval Street) were closed. He had an appraisal on the whole tract including the city property. It was his recommendation that the property be sold for \$10,000, and retain the corner for a turnout. After discussion, Councilman Pearson moved that the property (S.E. corner of Park Place and San Jacinto Boulevard) be sold for \$10,000, as recommended. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

MR. JIMMIE GIBSON appeared before the Council regarding obtaining an authorization from the Council for Travis-Williamson County Water District No. 1 to sell water to Williamson County Water District No. 1. The Council went over the proposition in much detail. The Mayor asked that the President of the Travis Williamson County Water District No. 1 and his Board petition the City, along with Mr. Gibson, as attorney for the other district, for this permission. The City Attorney asked for some time also to make additional studies. The Mayor told Mr. Gibson to get the Board of Directors together and meet with the City Attorney and City Manager.

The Council went over the pending zoning applications and asked that the applicants be notified to come before the Council next Thursday as follows:

DR. FRANK WORTHAM	2606-12 So. Lamar	From "A" Residence 1st
By Robert Sneed, Atty.		To "GR" General Retail
		2nd Height & Area
		RECOMMENDED by the
		Planning Commission

To discuss giving a 15' easement or planting strip.

PAUL MURCHISON	3902-04 Seiders Avenue	From "A" Residence
		To "B" Residence
		NOT Recommended by the
		Planning Commission

Mr. Murchison to be asked to come before the Council for discussion of the property.

L. W. GIDDENS

4400-02 Avenue A
500-02 West 44th Street

From "C" Commercial
To "LR" Local Retail
NOT Recommended by the
Planning Commission
RECOMMENDED "B" Residence

Mr. Giddens to be asked to come before the Council to discuss zoning the property "O" Office District.

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M. G. BEAUBIEN

5401-05 Clay Avenue

From "C" Commercial 2nd
& "A" Residence 1st
To "C-1" Commercial 2nd
Height and Area
NOT Recommended by the
Planning Commission

Postponed until Mr. Beaubien comes in to discuss the zoning.

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S. B. WINGFIELD

6318-20 Del Monte Road

By S.M. Amster, Atty.

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

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Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Rex T. Kitchens Construction Company is the Contractor for the alteration of a building located at 114 East Eighth Street and desires a portion of the sidewalk and street space abutting on Lots 9-10-11-12, Block 97, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Rex T. Kitchens Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction to the edge of the north curb line of East 8th Street for the point of beginning; thence in a southerly direction and at right angles to East 8th Street 12 feet to a point; thence in an easterly direction and parallel with the center line

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor City Forces, or public utilities, shall be replaced or repaired at the Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White moved that the following applications for lake improvements be approved as recommended:

HORACE ADAMS of Houston by George McDonald
E. A. JONES
BRADLEY DAVIS

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long asked that a study be made to see what it would cost to light the dome of the Auditorium.

The Council discussed the forms to be used to advertise for bids for construction of the Power Plant and for power piping and power wiring. The City Manager went over both proposals. It was his recommendation that the combination bid method be used; that if the separate bid method were used, there would be the supervision and coordination expense that is not taken into account. Councilman Long favored the "B" proposal, the separate contract form. MR. HIGGINS, representative for the Consultants, went over the proposal and his recommendation of having a general contractor. The Council wanted to make further study of the proposals, and the Mayor called a meeting for Monday, January 19th, at 2:00 P.M.

The Mayor urged that the acquiring of the necessary property for the plant and the property on the north side of the river be speeded up.

There being no further business, the Council adjourned at 6:45 P.M.,
subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Elsie Hooley
City Clerk